



ARIZONA BOARD OF OCCUPATIONAL THERAPY EXAMINERS

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Regular Session Minutes

September 14, 2012

Board Members Present: Laura Beckman, Chair, OTR,
John Tutelman, Vice – Chair, Public Member
Donald Hosenfeld, OTR Member
Christine Feltman Rosenberg, OTR Member

Staff Present: J. Randy Frost, Executive Director
Vicki Egurrola, Administrative Assistant

Legal Representative: Elizabeth Campbell, Assistant Attorney General

Call to Order

The regularly scheduled meeting of the Arizona State Board of Occupational Therapy Examiners was called to order at 1:35 p.m. Laura Beckman, Chair, presiding.

Roll Call

All Board members were present.

Approval of Minutes

Regular Session Meeting Minutes of August 10, 2012

Christine Feltman Rosenberg moved to approve the August 10, 2012 meeting minutes. John Tutelman seconded the motion. The motion passed 4-0.

1st Executive Session Meeting Minutes of August 10, 2012

Christine Feltman Rosenberg moved to approve the August 10, 2012 1st Executive Session meeting minutes. John Tutelman seconded the motion. The motion passed 4-0.

2nd Executive Session Meeting Minutes of August 10, 2012

Christine Feltman Rosenberg moved to approve the August 10, 2012 2nd Executive Session meeting minutes as amended. John Tutelman seconded the motion. The motion passed 4-0.

Declaration of Conflicts

Laura Beckman, Chair, recused herself from agenda items 6 (b) (1). John Tutelman (Vice-Chair) served as Chair for that agenda item.

Review Meeting Schedule

The Board reviewed the meeting schedule for:

- a. October 12, 2012
- b. November 9, 2012
- c. December 14, 2012

a. Initial Review of New Complaints

There were no initial complaints to come before the Board.

b. Open Complaints/Investigations

1. Informal Interview

Kerry Deering, OT license # 0104

Complaint # 11-OT-0104

Time: 1:40 p.m.

John Tutelman, Vice Chair, opened the interview by sighting the pertinent statutes and rules. This is the date, time, and place where the matter dealing with Complaint # 11-OT-0104, Kerry Deering, is scheduled to be heard by the Arizona Board of Occupational Therapy Examiners.

Mr. Tutelman then requested that the defendant and his legal council to introduce themselves. Mr. Deering was present and represented by Mr. Shawn Aiken, Ms. Stephanie McCoy Loquvam and Mr. Steve Meyers.

Board Members present for the interview: John Tutelman, Christine Feltman Rosenberg Donald Hosenfeld. Laura Beckman recused herself.

Mr. Tutelman, Vice Chair, stated let the record show that the Board Members have been furnished with copies of the following:

1. The Complaint and Notice of Hearing
2. The Respondent's Answer
3. All pleadings of record

Elizabeth Campbell, Assistant Attorney General, representing the Board was present.

The Board determined that Mr. Deering had been sent the notice of the hearing and that the hearing would continue.

Mr. Tutelman, Vice Chair, read the opening statements concerning the proceedings of the formal interview.

Mr. Tutelman, Vice Chair, asked Board Executive Director, Randy Frost, to give a brief summary of case. The allegations summarized by Mr. Frost centered around improper billing, lack of proper supervision and allowing unlicensed techs to perform duties outside of their scope.

Mr. Tutelman, Vice Chair, swore in the licensee, and each witness.

The Board reviewed various patient documents subpoenaed or supplied by the licensee and witnesses. Numerous questions were asked of Kerry Deering by the Board. Mr. Deering explained the improper codes contained in the billing. He explained that most of the discrepancies were mistakes made by staff and that he had not been reviewing them.

The Board also had numerous questions regarding Individual evaluation plans subpoenaed from the Kingman Academy. The Board questioned the signatures or lack thereof on evaluations and sign in sheets. Donald Hosenfeld had numerous questions regarding who performed the evaluations and if OT techs worked without supervision. Mr. Deering responded that at no time did techs work unsupervised. An OTA or COTA were always on campus contrary to the alleged complaints.

The Board heard from the complainants; Michelle White, Laura Gibson, Barbara Fahsholtz and Jill Cone. Each of the complainants gave their account of the duties that they performed while working at Deering Therapy. Each complainant gave similar testimony. Each indicated that they worked unsupervised regularly and that they believed that they performed duties outside of the scope of an OT Tech. Ms. White indicated that she worked unsupervised when performing evaluations at the Kingman Academy. Ms Gibson also indicated that she worked unsupervised quite often. Ms. Fahsholtz explained that she worked in the front office and entered all the billing information. She stated that she was told to enter all AHCCS authorizations for Physical Therapy regardless of what the prescription said.

The Board called upon various individuals associated with Deering Therapy that were subpoenaed by The Board to testify. The majority of them indicated that Deering Therapy was a busy place and periodically performed duties alone but that Kerry Deering was always in close proximity. One of these individuals, Amanda Lawrence, stated that she no longer worked for Deering Therapy due to ethical reasons. She indicated that she felt she was being coached on her responses to the Board.

At the end of the testimonies of those who filed complaints and those subpoenaed, council for Mr. Deering requested that the Board allow for testimony for others who requested to speak. The Board Vice Chair, John Tutelman, agreed and called upon Barbara Terleski. Ms. Terleski was questioned by Deering Council regarding her relationship with Deering Therapy. Ms Terleski stated that she currently works for Deering Therapy managing the front office. Ms Terleski indicated that when she came aboard in 2011 the front office was not being run properly. She found many mistakes in billing and insurance authorizations. She stated that she had the unpleasant task of informing Mr. Deering and that he had been totally unaware. Her task as directed by Mr. Deering is to clear up all the problems and mistakes and run the office more efficiently.

After all the testimony was given, Vice Chair, John Tutelman, concluded the evidentiary portion of the hearing. Assistant Attorney General, Elizabeth Campbell, advised the Board on how to proceed with deliberations and the possible outcomes as dictated by statute and rule.

On motion by Mr. Tutelman and seconded by Ms. Feltman Rosenberg the Board unanimously agreed to adopt the following as findings of fact:

1. After hearing the testimony of Jill Cone, Meagan Hoffman, Laura Gibson, Barbara Fahsholtz, and Michelle White, it appears that there were occasions when employees who were not occupational therapists or certified occupational therapy assistants worked without the supervision of an occupational therapist or certified occupational therapy assistant.
2. Based upon the documentation regarding patients BM and JA, the testimony of Deborah Terlesky, and other testifying witnesses, there were occasions where physical therapy services were authorized, but occupational therapy services were provided, and the services were billed as physical therapy.

On motion by Mr. Tutelman and seconded by Ms. Feltman Rosenberg, the Board unanimously agreed to adopt the following as conclusions of law:

1. The conduct and circumstances described in the Findings of Fact constitute unprofessional conduct under A.R.S. § 32-3401(10)(g)(Failing to provide supervision according to this chapter and rules adopted pursuant to this chapter).
2. The conduct and circumstances described in the Findings of Fact constitute unprofessional conduct under A.R.S. § 32-3401(10)(o)(Any conduct or practice that violates recognized standards of ethics of the occupational therapy profession, any conduct or practice that does or might constitute a danger to the health, welfare or safety of the client or the public or any conduct, practice or condition that does or might impair the licensee's ability to safely and skillfully practice occupational therapy).
3. The conduct and circumstances described in the Findings of Fact constitute a violation of R4-43-402(B)(An occupational therapy aide shall receive continuous supervision).

On motion by Ms. Feltman Rosenberg and seconded by Mr. Tutelman, the Board unanimously agreed to the following order:

Within 1 year of the effective date of the Order, Respondent shall complete 16 hours of Board Staff pre-approved continuing education as follows: (1) 4 hours of continuing education in billing; (2) 4 hours of continuing education in ethics; (3) 4 hours of continuing education in standards of occupational therapy practice; and (4) 4 hours of continuing education in the administration and management of occupational therapy services. It is further required that 8 of the 16 hours of continuing education be completed within 6 months of the effective date of this Order. The continuing education hours shall be in addition to the hours required for the renewal of Respondent's occupational therapy license under A.A.C. R4-43-203. Respondent's failure to complete the continuing education may subject him to future disciplinary action by the Board under A.R.S. § 32-3442.

John Tutelman, Vice Chair, concluded the formal interview.

c. Complaint Action Status Report

The Board discussed the Complaint Action Status Report of the following licensees:

1. Laura L. Hoelting, 12-OT-4809, Staff reported that a consent agreement had been sent to Ms. Hoelting on 06/25/2012 and that she has accepted it.

Substantive Review, Discussion, and Vote Re: Applications for Licenses as Follows:

a. Initial Application

Matthew Boudrero	Ellen Bourg	Nancy Bowlin
Matthew Braun	Rebecca Butler	Joseph Cabral
Raquel Charles	Sarah Cole	Emily Frawley
Gavin Gigstad	Leslie Guglielmello	Rita Langley
Michelle Maddrell	Patricia Mainil	Beth Rank
Thamara Rodriguez	Michelle Ross	Kathryn Schmadeke
Caryn Sears	Ryan Sherman	Tracy Sobers
Traci Steele	Beth Sternberg	Edelmira Ysasi

John Tutelman moved to approve 24 of the 25 initial applications listed. Christine Feltman Rosenberg seconded the motion. The motion passed 4-0.

The Board discussed the application of Paul Vallarta. After some discussion regarding background information supplied, Laura Beckman moved to deny his application under A.R.S. 32-3401 (10)(a)(t)(u). John Tutelman seconded the motion. The motion passed 4-0

b. Renewal of Licenses

Jessica Allan	Allison Allen	Martha Alvis
Jamie Anderson	Augusto Aranguren	Lisa Aronica
Francisco Baltodano	Karli Banks	Amanda Beekman
Elizabeth Bishop	Teresa Bourne	Magda Bowen
Melissa Brissette	Shannon Brown	Brandi Buchanan
Cheryl Collins-Williams	Corrie Cordrey	Rocio Dalpiaz
Raina Dass	Debra Dedecker	Susan Drexler
Jennifer Fawcett	Katherine Guillen	Janice Johnson
Susan Kelly	Cheryl Kingsbury	Marianne Klein
Deborah Kring	Cammy LaBay	Constance Langer
Monica Leonard	Cassie Lozanovski	Sonya Lynn
Daina Miller	Paula Nelson	Meagan Orban
Molly Palley	Caroline Palmquist	Marlene Peralta
Jane Pylman	Lisa Rietema	Diana Roberts
Connie Rooks	Sandra Schafer	Carrie Shockley
Ruth Simpson	Cindi Smith	Julie Snyder
Deborah Soward	Tracy Studley	Maria Tagle-Almario
Deborah Todd	Rita Troxel	Elana Varnum
Monica Walters	Peggy Wesley	Colleen West
Melissa Wilson	Johna Pollard	Angela Wolff

John Tutelman moved to approve the 60 renewal applications listed. Christine Feltman Rosenberg seconded the motion. The motion passed 4-0.

c. Limited Permits

Kaitlyn Cavanaugh	Roxanne Cobb	Tracey Eremia
Sabrina Hedgpeth	Kelly Moore	Pamela Novy
Traci Sandell	John Wiederander	

John Tutelman moved to approve the 8 limited permit applications listed. Laura Beckman seconded the motion. The motion passed 4-0.

Review, Discussion and Possible Action on Administrative Matters

a. Revenue and Expenditure Report

The Executive Director, Randy Frost, presented the Board with the latest financial data.

b. Administrative Project Status Report

The Board reviewed and discussed the Administrative Project Status Report.

Review, Discussion and Possible Action Other Board Business and Reports.

Agenda items for next meeting – if any

Call to the Public

There were no public members wishing to address the Board.

Adjournment

There being no further business before the Board the meeting adjourned at 5:56 p.m.

Respectfully submitted,

J. Randy Frost
Executive Director